IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO :7916 of 2006

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Dated: 19th June 2006.

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Between:

Kota Raju

..... PETITIONER

AND

The Government of A.P.,

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

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W.P.NO.7916 OF 2006

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ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

This writ petition is filed by the brother of the alleged detenu Kota Kumar @ Nakka Kumar.

A cryptic affidavit, running to one page, is filed in support of the writ petition complaining that the abovementioned brother of the petitioner was missing from 22-10-2005, however, the petitioner chose to lodge a complaint with the Hanumakonda police station only on
16-11-2005, to the effect that his brother is missing from 22-10-2005. The petitioner suspects that ; "***..some one known to my brother might have kidnapped him for purpose of extracting kidneys and other parts of the body***".

On behalf of the 2nd respondent, Sub Inspector of Police, II Town Police Station, Godavari Khani, Karimnagar District, filed a counter affidavit. From the counter, it appears that the alleged detenu was figured as an accused in a number of criminal cases. He was arrested on
26-09-2002, in connection with Crime No.102 of 2002 under Section 392 IPC and he was involved others Crimes i.e., Crime No.191 of 2002 under Section 379 IPC of Police Station LMD Colony and Crime No.5 of 2002 under Sections 417 and 384 IPC of II Town P.S. Godavarikhani. The alleged detenu along with three others, whose names were disclosed in the counter affidavit, were arrested and they were produced before the Judicial Magistrate of First Class, Manthani, who remanded all of them to judicial custody. It is further stated in the counter affidavit that the abovementioned four persons were later enlarged on bail and the alleged detenu

Mr. Kota Kumar, thereafter, jumped bail and was not attending the Court in connection with the trial of the abovementioned crimes. It is also stated in the counter that Non-bailable Warrants were issued against the alleged detenu as he jumped bail and the police are making efforts to apprehend him to produce before the Court in connection with the abovementioned crimes.

The fact that the alleged detenu was involved in any one of these cases is not even mentioned in the affidavit filed in support of this Habeas Corpus petition.

The learned Advocate General submits that the present writ petition is only a preemptive writ petition to prevent the police from arresting the alleged detenu, if he is found, in connection with the abovementioned cases.

In the circumstances, we do not see any reason to grant the relief as prayed for in the writ petition.

Accordingly, the writ petition is dismissed as merit less, at the stage of admission.

J.Chelameswar, J

D.Appa Rao, J

19th June 2006

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